

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-cv-40-RJC-DSC**

MICHAEL HOLLARS,)	
)	
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
CAROLYN W. COLVIN,)	
Acting Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Plaintiff's Motion for Summary Judgment, (Doc. No. 12), and Defendant's Consent Motion to Remand, (Doc. No. 17). Under sentence four of 42 U.S.C. § 405(g), “[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” See also Shalala v. Schaefer, 509 U.S. 292, 296–97 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991).

The Commissioner contends that remand for further administrative proceedings would be appropriate because further fact finding and analysis is required. (Doc. No. 17). Plaintiff has consented to remanding this case for further administrative proceedings. Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of Defendant's request to remand this action, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the

Commissioner for further proceedings.

IT IS, THEREFORE, ORDERED, for good cause shown, that Defendant's Consent Motion to Remand, (Doc. No. 17), is **GRANTED**. Plaintiff's Motion for Summary Judgment, (Doc. No. 12), is **DISMISSED as moot**. The Court hereby **REVERSES** the decision of the Commissioner and **REMANDS** this case for further administrative proceedings.

Signed: December 10, 2015



Robert J. Conrad, Jr.
United States District Judge

